

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PH-2400-PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2005/003680	International filing date (<i>day/month/year</i>) 25.02.2005	Priority date (<i>day/month/year</i>) 27.02.2004
International Patent Classification (IPC) or national classification and IPC A23K1/16 (2006.01), A23K1/14 (2006.01), A23K1/18 (2006.01)		
Applicant NOSAN CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/003680

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 4, 6-12 as originally filed/furnished
- pages* 2, 3, 5 received by this Authority on 04.08.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-4 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 5-7 received by this Authority on 04.08.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1-15 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-7</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-7</u>	NO
	Industrial applicability (IA)	Claims <u>1-7</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>Document 1: JP 2003-532394 A (G. IAMS Company), 5 November 2003, paragraphs [0002] to [0005]</p> <p>Document 2: JP 2002-510317 A (Abbott Laboratories), 2 April 2002, page 7, lines 11 to 18</p> <p>Document 3: JP 8-140628 A (Meiji Milk Products Co., Ltd.), 4 June 1996, paragraph [0004] (Family: none)</p> <p>Document 4: JP 11-509418 A (Cooperative Verkoop-En Productievereniging Van Aapdappelmeel En Derivaten Avebe B.A.), 24 August 1999, entire document</p> <p>Document 5: Masahiko Nagata, "Hifu Shikkan ni Okeru Eiyogakuteki Kanri", Juichikusan Jouhou, Vol. 47, No. 6, 1994, pages 491 to 493</p> <p>Claims 1 and 2</p> <p>Document 1 indicates that low allergenicity is required as an attribute of petfood. In addition, documents 2 and 3 indicate that free amino acids can be used as compositions with low allergenicity.</p> <p>In order to resolve the problem disclosed in document 1, it would be easy for a person skilled in the art to employ the means set forth in documents 2 and 3,</p>		

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

and use free amino acids as an alternative protein source in petfood. In addition, determining which amino acid to use is merely a design matter which a person skilled in the art could accomplish as necessary taking into account the required amino acid balance.

Therefore the invention set forth in claims 1 and 2 does not involve an inventive step in the light of documents 1 to 3.

Claims 3 to 7

Document 4 indicates that potato protein is used in petfood. In addition, document 5 indicates that low allergenicity is a required attribute of petfood; raw materials which are resistant to becoming allergens are used as low allergenicity compositions; and that potato can be used.

In order to resolve the problems disclosed in documents 1 and 5, it would be easy for a person skilled in the art to conceive of employing the potato protein set forth in document 4 and the aforementioned means set forth in documents 2 and 3. In addition, determining which amino acid to use is merely a design matter which a person skilled in the art could accomplish as necessary taking into account the required amino acid balance.

Therefore the invention set forth in claims 3 to 7 does not involve an inventive step in the light of documents 1 to 5.